

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

REC'D 29 DEC 2004

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Applicant's or agent's file reference 027830-4537	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)
International application No. PCT/US 03/39388	International filing date (day/month/year) 10.12.2003	Priority date (day/month/year) 10.12.2002	
International Patent Classification (IPC) or both national classification and IPC B60R5/04			
Applicant JOHNSON CONTROLS TECHNOLOGY COMPANY et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 02.07.2004	Date of completion of this report 27.12.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Schombacher, H Telephone No. +49 89 2399-7284 <div style="text-align: right;">  </div>

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/US 03/39388**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-10 received on 05.11.2004

Drawings, Sheets

1/9-9/9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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International application No. **PCT/US 03/39388**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	5,8,9,10
	No: Claims	1-4,6,7
Inventive step (IS)	Yes: Claims	5,8,9,10
	No: Claims	1-4,6,7
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reference is made to the following documents:

- D1: EP-A-1 247 693 (BOS GMBH & CO KG) 9 October 2002 (2002-10-09)
- D2: GB-A-1 331 808 (CITROEN SA) 26 September 1973 (1973-09-26)
- D3: DE 41 10 089 A (BAYERISCHE MOTOREN WERKE AG) 1 October 1992 (1992-10-01)
- D4: EP-A-0 329 620 (FIAT AUTO SPA) 23 August 1989 (1989-08-23)

Independent Claim 1

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document):

"A collapsible cargo system for a vehicle (D1, fig.1, "Laderaumabdeckvorrichtung" 2; the term "cargo system" thereby can be interpreted very broadly, such that the cover of D1 can be regarded as a system that is used for vehicle cargo) comprising:

- *a flexible panel (D1, fig.1, "flexibles Flächengebilde 2"),*
- *at least one trim panel coupled to the vehicle (D1, fig.1, it can be assumed that the vehicle shown in fig.1 comprises a trim panel the "Befestigungspunkte" 8 are fixed to)*
- *a plurality of generally parallel, spaced apart support members coupled to the panel and configured to releasably couple the panel to the vehicle (D1, fig.1, "Querstreben" 5, "Führungsschiene" 7 and "flexibles Flächengebilde" 4; whereby the support members 5 can be released from the guide 7), wherein*
- *at least one of the support members includes an interface portion configured to selectively engage apertures on the trim panel (D1, fig.1, "Querstreben" 5, "Führungsschiene" 7 and flexibles "Flächengebilde" 4; whereby the support members 5 can be released from the guide 7, see also pars. [0019] and [0021] and figs. 5, 15 and 16, from where it can be concluded that "Befestigungspunkte" 8 are apertures), and wherein*
- *the panel is deployable in a first use position wherein the support members are*

generally cross-car in the vehicle and the interface portion is engaged with one of the apertures and deployable in a stowed position (D1, figs. 1 and 9; furthermore the system of D1 can be completely removed from the guides)."

Claims 2 - 4, 6 and 7

Dependent claims 2 - 4, 6 and 7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty:

Claim 2:

Dependent claim 2 does meet the requirements of the PCT in respect of novelty as D1 in Fig.10 discloses a configuration of the panel 2b wherein the middle support member between members 3b and 8 is used as a support batten, that is not fixed to the trim and members 13, 3b and 8 are used as main battens having interface portions.

Claim 3:

An aperture being a slot having a bezel is shown D1, figs. 15 and 16.

Claim 4:

The features of claim 4 are shown in D1, fig.14.

Claim 6:

A collapsible panel is shown in D1, fig.9.

Claim 7:

"Rollowelle" 15 of D1, fig.12, could be understood as a rotatable frame.

Independent Claim 9

Independent Claim 9 seems to meet the requirements of the PCT with respect to novelty and inventive step. However, the *"frame (36)"* in line 12 seems to be erroneously mentioned instead of the *"interior component"*.

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International application No. PCT/US 03/39388

Independent Claim 10

Independent Claim 10 seems to meet the requirements of the PCT with respect to novelty and inventive step.

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art, as disclosed e.g. in document D1, is not mentioned in the description, nor is this document identified therein.

WHAT IS CLAIMED IS:

1. A collapsible cargo system for a vehicle comprising:
a flexible panel (18);
at least one trim panel (26) coupled to the vehicle;
a plurality of generally parallel, spaced apart support members coupled to the panel (18) and configured to releasably couple the panel (18) to the at least one trim panel (26);
wherein at least one of the support members includes an interface portion (23) configured to selectively engage apertures (24) on the at least one trim panel (26);
wherein the panel (18) is deployable in a plurality of use positions wherein the support members are generally cross-car in the vehicle and the interface portion (23) is engaged with one of the apertures (24) on the at least one trim panel (26), and deployable in a stowed position.
2. The cargo system of Claim 1 wherein the support members comprise two or more main battens (20) and at least one support batten (22), wherein the main battens (20) have the interface portions (23).
3. The cargo system of Claim 2 wherein each aperture (24) is a slot defined by a bezel (34).
4. The cargo system of Claim 1 wherein the plurality of use positions comprise a first use position, a second use position and a third use position wherein the support members are generally cross-car in the vehicle and the interface portion (23) is engaged with the at least one trim panel (26), and deployable in a stowed position.
5. The cargo system of Claim 2 wherein the main battens (20) engage the at least one trim panel (26) by bending of the main battens (20), aligning the interface portion (23) with the aperture (24), and releasing the main batten (20) to its relaxed state.
6. The cargo system of Claim 2 wherein the panel (18) is collapsible for storage when in the stowed position.

7. The cargo system of Claim 1 further comprising a frame (36) rotatably coupled to the at least one trim panel (26).

8. The cargo system of Claim 8 wherein the frame (36) is coupled to the at least one trim panel (26) by engagement of a detent on the frame (36) and apertures (42) on the at least one trim panel (26), wherein the frame (36) is biased so that the detent engages apertures (42) in the at least one trim panel (26).

9. A collapsible cargo system for a vehicle comprising:
a flexible panel (18);
a plurality of generally parallel, spaced apart support members coupled to the panel (18) and configured to releasably couple the panel (18) to the vehicle; and
a frame (36) rotatably coupled to an interior component;
wherein at least one of the support members includes an interface portion (23) configured to selectively engage the interior component of the vehicle;
wherein the panel (18) is deployable in a first use position wherein the support members are generally cross-car in the vehicle and the interface portion (23) is engaged with the interior component, and deployable in a stowed position; and
wherein the frame (36) is coupled to the interior component by engagement of a detent on the frame (36) and apertures (42) on the frame (36), wherein the frame (36) is biased so that the detent engages apertures (42) in the interior component.

10. A collapsible cargo system for a vehicle comprising:
- a flexible panel (18);
 - a plurality of generally parallel, spaced apart support members coupled to the panel (18) and configured to releasably couple the panel (18) to the vehicle;
 - wherein at least one of the support members includes an interface portion (23) configured to selectively engage an interior component of the vehicle;
 - wherein the panel (18) is deployable in a first use position wherein the support members are generally cross-car in the vehicle and the interface portion (23) is engaged with the interior component, and deployable in a stowed position;
 - wherein the support members comprise two or more main battens (20) and at least one support batten (22), wherein the main battens (20) have the interface portions (23);
 - and
 - wherein the main battens (20) engage the interior component by bending of the main battens (20), aligning the interface portion (23) with the aperture (24), and releasing the main batten (20) to its relaxed state.